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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/528,182

03/17/2005

Kenji Kanayama

036910-0110

6747

22428

7590

09/28/2006

FOLEY AND LARDNER LLP  
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EXAMINER

NGUYEN, PHUNG

ART UNIT

PAPER NUMBER

2612

DATE MAILED: 09/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/528,182	KANAYAMA, KENJI	
	<b>Examiner</b>	<b>Art Unit</b>	
	Phung T. Nguyen	2612	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 17 March 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,2,4,6-9,11-17,19 and 21-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 2,4,6,7,11,12,19 and 21 is/are allowed.
- 6) ☒ Claim(s) 1,9,13,22 and 23 is/are rejected.
- 7) ☒ Claim(s) 8 and 14-17 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>03/17/05, 06/08/05</u>  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 9, 13, 22, and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Myllymaki (US 6,331,816) in view of Runyon et al. (US 6,771,782).

**Regarding claim 1:** Myllymaki discloses automatic control system for security apparatus based on the presence of a user comprising a control device for performing a predetermined coping action when an abnormality is detected in a monitored area; an outing motion detection sensor for detecting actions of a non-monitored person when leaving the monitored area (col. 2, lines 17-25); and a non-monitored person detecting sensor for detecting the non-monitored person in the monitored area (col. 2, lines 47-51), the control device including:

mode switching means for switching between an alert mode with which the coping action is performed if the abnormality is detected in the monitored area and a non-alert mode with which the coping action is not performed; and when the outing motion detection sensor detects that the non-monitored person has left the monitored area, the non-monitored person detecting sensor does not detect any other non-monitored person, and the non-alert mode has been set (col. 2, lines 38-42). Myllymaki does not specially teach mode switching reminder means for causing a remote alarm device located at a remote place to present mode change reminder information as claimed. However, sending a signal to remind that the area has not been made secure is old and

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well known in the art as taught by Runyon et al. (col. 10, lines 59-64, and col. 11, lines 4-10).

Therefore, it would have been obvious to the skilled artisan to employ the technique of Runyon et al. in the system of Myllymaki in order to prevent the occurrence of absence of security measures caused by a human error which is an advantage.

**Regarding claim 9:** All the claimed subject matter is already discussed in respect to claim 1 above.

**Regarding claim 13:** Myllymaki discloses a control device being a component of the security system according to any one of claim 1 (col. 2, lines 12-19).

**Regarding claim 22:** Myllymaki discloses a control program which operates the security system for causing a computer to function as each of the foregoing means (col. 2, lines 38-42).

**Regarding claim 23:** Myllymaki discloses a computer-readable storage medium storing the control program (col. 2, lines 5-11).

***Allowable Subject Matter***

3. Claims 8, and 14-17 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 2, 4, 6, 7, 11, 12, 19, and 21 are allowed.

***Conclusion***

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a. Thomas et al. [US 6,549,142] disclose audio alerts in physical environments.

b. Ichikawa [US 5,153,560] discloses apparatus for detecting presence of person inside room door.

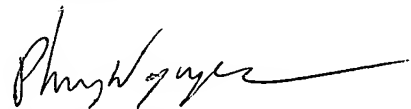
c. Young [US 4,090,182] discloses security system employing radio transmitter and receiver.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phung Nguyen whose telephone number is 571-272-2968. The examiner can normally be reached on Monday to Friday from 8:00am to 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel J. Wu, can be reached on 571-272-2964. The fax phone number for this Group is 571-273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is 571-272-2600.

Phung Nguyen

A handwritten signature in black ink, appearing to read 'Phung Nguyen', with a long horizontal flourish extending to the right.

Date: September 26, 2006